



UNITED STATES PATENT AND TRADEMARK OFFICE

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UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
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| APPLICATION NUMBER | FILING/RECEIPT DATE | FIRST NAMED APPLICANT   | ATTORNEY DOCKET NUMBER |
|--------------------|---------------------|-------------------------|------------------------|
| 09/837,235         | 04/18/2001          | Christopher P. Marshall | 9725-005               |

20583  
PENNIE AND EDMONDS  
1155 AVENUE OF THE AMERICAS  
NEW YORK, NY 100362711

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JAN 07 2002

TECH CENTER 1600/2900

CONFIRMATION NO. 1399

FORMALITIES LETTER



\*OC000000006931754\*

Date Mailed: 10/18/2001

**NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)**

*Filing Date Granted*

The U.S. Patent and Trademark Office has received your reply on 08/15/2001 to the Notice to File Missing Parts (Notice) mailed 06/19/2001 and it has been entered into the nonprovisional application. The reply, however, does not include the following items required in the Notice.

The period of reply remains as set forth in the Notice. You may, however, obtain EXTENSIONS OF TIME under the provisions of 37 CFR 1.136 (a) accompanied by the appropriate fee (37 CFR 1.17(a)).

A complete reply must be timely filed to prevent ABANDONMENT of the above-identified application.

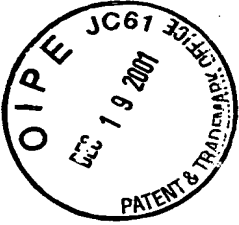
The required items noted below SHOULD be filed along with any items required above. The filing date of this nonprovisional application will be the date of receipt of the items required above.

- The oath or declaration is unsigned.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



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JAN 07 2002

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Express Mail No.: EL 564 213 700 US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application of: Marshall et al.

Application No.: 09/837,235

Art Unit: 1645

Filed: April 18, 2001

Examiner: To be assigned

For: STABILIZED PROTEINS

Attorney Docket No.: 9725-005

**REPLY TO NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

In reply to the Notice of Incomplete Reply (Nonprovisional) (hereinafter the "Notice") mailed on October 18, 2001, a copy of which is attached hereto, Applicants respectfully submit that the October 18, 2001 Notice was issued in error.

A complete Reply To Notice To File Missing Parts of Nonprovisional Application (hereinafter the "Reply") was timely filed on September 17, 2001, together with a one-month Petition for Extension of Time to and including September 19, 2001.

Applicants' September 17, 2001 Reply constituted a complete response to the June 19, 2001 Notice To File Missing Parts of Nonprovisional Application because a Sequence Listing had already been filed (see below). On September 17, 2001, Applicants filed an original, executed, Declaration For Non-Provisional Application for Patent, in four counterparts, executed by Christopher P. Marshall, Alexander Hoffmann, Joseph P. Errico and Paul B. Marshall on July 12, 2001, June 8, 2001, September 14, 2001 and July 5, 2001, respectively. A copy of the date-stamped postcard receipt for Applicants' September 17, 2001 Reply is enclosed as evidence of this timely submission.

A Sequence Listing, including a computer-readable copy, paper copy, and statement of identity of same, had been previously submitted to the Office on August 14, 2001. The October 18, 2001 Notice stated that the Sequence Listing was received "on 8/15/2001" by the Office. A copy of the date-stamped postcard receipt for Applicants' August 14, 2001 filing is also enclosed as evidence of this timely submission.

Accordingly, all of the requirements of the June 19, 2001 Notice To File Missing Parts of Nonprovisional Application have been timely met (*i.e.*, a Sequence Listing filed on August 14, 2001 and an executed Declaration filed on September 17, 2001), and the October 18, 2001 Notice appears to have been issued in error.

It is believed that Applicants' September 17, 2001 Reply crossed in the mail with the October 18, 2001 Notice issued by the Office. Accordingly, correction of the Office records to reflect that a timely, complete reply was made as of September 17, 2001 is respectfully requested.

In a December 3, 2001 teleconference with the undersigned, Ms. Robertson of the Office of Initial Patent Examination (OIPE) confirmed the foregoing facts and indicated that the Office's computer records do, in fact, reflect receipt of the August 14, 2001 Sequence Listing and the September 17, 2001 executed Declaration. Ms. Robertson further indicated that the OIPE would issue another letter withdrawing the October 18, 2001 Notice.

No fee is believed to be due in connection with this reply, since the Notice was erroneously issued by the Patent Office. However, should the Office determine otherwise, please charge any required fee including any extension fees, to Pennie & Edmonds LLP Deposit Account No. 16-1150. A duplicate of this sheet is enclosed for accounting purposes.

Respectfully submitted,

Date: December 19, 2001

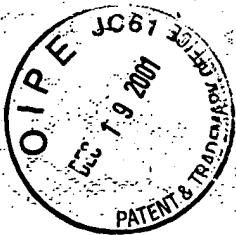
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Enclosures



Express Mail No.: EL 501 641 154 US First Class Mail ( )

Date Mailed: August 14, 2001

App'n No.: 09/837,235

Filed: April 18, 2001

Inventor: Christopher P. Marshall et al.

For: STABILIZED PROTEINS

(x) COPY OF NOTICE TO FILE MISSING PART OF NON-PROVISIONAL APPEN. (6)

(x) Transmittal of Sequence Listing Under 37 C.F.R. 1.821

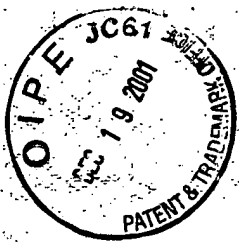
(x) Paper copy of sequence listing (17 pages)

(x) Sequence listing in computer readable form (one diskette)



File No. 9725-005-999

Sender: AMA/SKS



Express Mail No.: EL 501 641 675 US First Class Mail ( )

Date Mailed: September 17, 2001

App'n No.: 09/837,235 Filed: April 18, 2001

Inventor: Christopher P. Marshall et al.

For: STABILIZED PROTEINS

- (x) Reply to Notice to File Missing Parts of Application (in duplicate), including a copy of the Notice
- (x) Declaration For Non-Provisional Patent Application (in duplicate, in four counterparts)
- (x) Petition for Extension of Time (one month) (in duplicate)

File No. 9725-005-999 Sender: AMA/SKS

File No. \_\_\_\_\_ Sender: \_\_\_\_\_